

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

**Title of
Invention**

**METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF COLORECTAL
CELL PROLIFERATIVE DISORDERS**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/562,377, filed on June 23, 2004,
- ☒ as amended on December 23, 2005 (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Cathy Lofton-Day

Signature: 

Citizen of: US

Inventor two: Andrew Sledziewski

Signature: 

Citizen of: US

☒ Additional inventors or a legal representative are being named on 1 additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

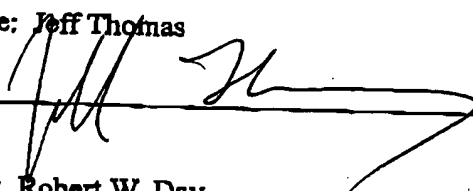
JUL-28-2006 FRI 03:53 PM EPIGENOMICS INC

FAX NO. 2062548151

P. 02

P. 2, Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)**FULL NAME OF INVENTOR(S)**

Inventor three: Jeff Thomas

Signature: Citizen of: US

Inventor four: Robert W. Day

Signature: Citizen of: US

Inventor five: Lori Tonnes-Priddy

Signature: Citizen of: US

Inventor six: Karen Cardon

Signature: Citizen of: US

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Epigenomics AG

Application No./Patent No.: 10/562,377

Filed/Issue Date: June 23, 2004

Entitled: METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF COLORECTAL CELL PROLIFERATIVE DISORDERS

Epigenomics AG

a German company

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature]
Signature

KURT BERLIN
Printed or Typed Name

Kurt Berlin, Executive Vice
President & CSO

Title

June 19, 2006
Date

epigenomics AG
Telephone Number

Kleine Präsidentenstr.1 • D-10178 Berlin
phone: +49 30 24345-0 • fax: -555

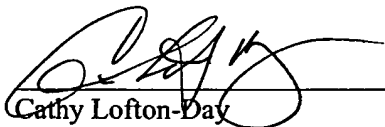
ASSIGNMENT

WHEREAS, we, Cathy Lofton-Day, residing at 23908-35th Ave. W., Brier, WA 98036, Andrew Sledziewski, residing at 17736-15th Ave. NW, Shoreline, WA 98177, Jeff Thomas, residing at 12210 NE 24th Street, Apt. 109, Bellevue, WA 98005, Robert W. Day, residing at 1872 East Hamlin Street, Seattle, WA 98112, Lori Tonnes-Priddy, residing at 1914 Grand Ave. #B, Everett, WA 98201 and Karen Cardon, residing at 17730 151st Ave. SE, Apt. E, Renton, WA 98058, (ASSIGNORS) are the inventors named in an application for a Letters Patent of the United States entitled METHODS AND NUCLEIC ACIDS FOR THE ANALYSIS OF COLORECTAL CELL PROLIFERATIVE DISORDERS, said application was nationalized in the United States from PCT/US2004/020356 filed on June 23, 2004 as **Application No. 10/562,377** and claims priority to U. S. Patent Application No. 10/602,494 filed June 23, 2003;

AND, WHEREAS, Epigenomics AG, a German corporation, having administrative offices at Kleine Praesidentenstrasse 1, 10178 Berlin, Germany (hereinafter referred to as **ASSIGNEE**) is desirous of acquiring the entire right, title and interest in the invention described in the said application;

NOW, THEREFORE, for sufficient, good and valuable consideration, the receipt of which is hereby acknowledged, we do hereby sell, assign, and transfer unto said ASSIGNEE, our entire right, title to and interest in said application and said inventions; any patent or reissues of any patent that may be granted thereon; and any applications which are improvements thereon, continuations, continuations-in-part, substitutes, or divisions of said applications, and all foreign applications and patents on said invention(s) to be held and enjoyed by ASSIGNEE as entirely as the same would have been held and enjoyed by us had this sale, assignment, and transfer not been made, and we do hereby further agree and promise to execute all instruments and render all such assistance as ASSIGNEE may request in order to make and prosecute any and all applications on said invention(s), to enforce any and all patents on said invention(s), and to confirm in ASSIGNEE legal title to said invention(s) and all applications and patents on said invention(s), all without charge to ASSIGNEE but at no expense to us.

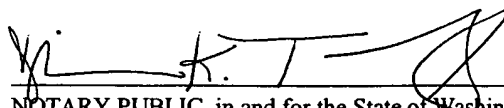
Executed in Seattle, this 7th day of June, 2006.


Cathy Lofton-Day

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this 7th day of June, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Cathy Lofton-Day, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and she acknowledged the same to be her free act and deed.



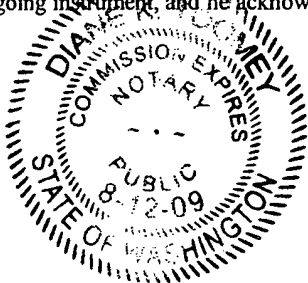

NOTARY PUBLIC in and for the State of Washington, residing at
King County
My commission expires 8-12-09

Executed in Seattle, this 7 day of June, 2006.

[Signature]
Andrew Sledziewski

STATE OF WASHINGTON)
COUNTY OF KING)

On this 7th day of June, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Andrew Sledziewski, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



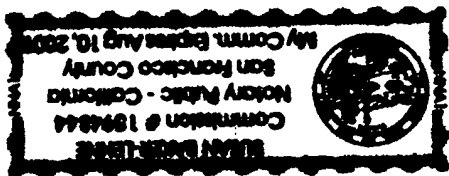
[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at
King County
My commission expires 8-12-09

San Francisco, CA
Executed in ~~Seattle~~, this 10th day of July, 2006.

[Signature]
Jeff Thomas
California

STATE OF WASHINGTON)
COUNTY OF ~~KING~~ SAN FRANCISCO)

On this 10th day of July, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Jeff Thomas, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



Susan Baker-Lehne
NOTARY PUBLIC in and for the State of ~~Washington~~, residing at
California
My commission expires _____

Executed in Seattle, this 27 day of July, 2006.

Robert W. Day
Robert W. Day

STATE OF WASHINGTON)
COUNTY OF KING) : ss

On this 27th day of July, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Robert W. Day, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.



[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at
My commission expires 8-12-09

Executed in Seattle, this 2 day of August, 2006.

Lori Tonnes-Priddy
Lori Tonnes-Priddy

STATE OF WASHINGTON)
COUNTY OF ~~KING~~ Snohomish) : ss

On this 2 day of August, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Lori Tonnes-Priddy, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and she acknowledged the same to be her free act and deed.



[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at
Everett
My commission expires 04-19-07

Albuquerque

Executed in ~~Seattle~~, this 16th day of June, 2006.

Karen Cardon

Karen Cardon

STATE OF ~~WASHINGTON~~ NEW MEXICO
COUNTY OF ~~KING~~ BERNALILLO



On this 16th day of June, 2006, before me, a Notary Public in and for the State and County aforesaid, personally appeared Karen Cardon, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and she acknowledged the same to be her free act and deed.

Monica Mitchell
NOTARY PUBLIC in and for the State of ~~Washington~~, residing at
Albany, NM - USA arts
My commission expires Oct 17, 2008

NEW
MEXICO